# CAMPAIGN FINANCE FREQUENTLY ASKED QUESTIONS

## Registering

### Q. Who must file a financial filing?

**ALL** candidates or committees **MUST** file a financial disclosure report.

### Q. How do I register as a candidate or committee?

**State Authorized Single Candidate Committee (Type 1)**

- Register with the New York State Board of Elections (NYSBOE);
- Submit CF-02, CF-03;
- The candidate submits the CF-16 (no CF-04 required);
- NYSBOE will send you a Filer ID# and PIN.

**Local Authorized Single Candidate/Committee (Type 1)**

Raising or spending or expecting to raise or spend **more than $1000** in a calendar year:

- Register with appropriate local board(s) and with NYSBOE;
- Submit CF-02, CF-03;
- The candidate submits the CF-16 (no CF-04 required);
- NYSBOE will send you a Filer ID# and PIN.

Raising or spending or expecting to raise or spend **$1000 or less** in a calendar year:

- Register with appropriate local board(s);
- Submit CF-02, CF-03;
- The candidate submits the CF-16 (no CF-04 required);
- NYSBOE will send you a Filer ID# and PIN.

Local Candidates/committees who register and file campaign financial disclosure reports with NYSBOE are still obligated to satisfy any registration requirements with their appropriate local board(s) of elections.

**State or Local Candidate *without* an Authorized Committee**

The CF-04 Form should only be used by candidates to register with NYSBOE to obtain a Filer ID# and PIN or to register with a local board of elections, in one of two circumstances:

- The candidate does not have a registered authorized committee (e.g., "Friends of Jane Smith") and is therefore required to personally disclose all the financial activity of the campaign, including any use of his/her own money.
- The candidate has a registered authorized committee but chooses to have financial activity for the campaign that will not be disclosed by the authorized committee.

**Political Action Committee (PAC) (Type 2)**

- Submit CF-02 to appropriate state and/or local boards

**Constituted and Party Committees (Types 3-7)**

- Submit CF-02
- Submit CF-03 as applicable
- Candidate submits CF-16 if disclosure is only through constituted/party committee

**Constituted and Party Housekeeping Committees (Types 3H-7H) (Only required to file January and July Periodic Reports)**

- Submit CF-02

**Independent Expenditure Committee - Candidate (Unauthorized) (Type 8)**

- Submit CF-02

**Independent Expenditure Committee - Ballot Proposition (Type 8)**

- Submit CF-02

**Others (e.g. Multi-Candidate Committee) (Type 9)**

- Submit CF-02 to appropriate state and/or local boards
- Submit CF-03
- Candidate submits CF-16 as applicable

**Ballot Issue Committee (Type 9B)**

- Submit CF-02

**Undeclared Office (Type 9U)**

- Submit CF-02

**Can I file the Candidate or Committee Claim of Exemption from Filing Campaign Financial Disclosure Reports, CF-05?**

A candidate or committee can file this form at each appropriate board of elections when:

- Candidates who do not receive or spend more than $50 (this threshold includes their own personal funds), including candidates for county committee of a political party or for delegate or alternate delegate to a judicial district convention, must inform the appropriate board(s) of elections in writing of this fact.
- A committee formed solely to support or oppose a ballot issue, that does not raise or spend over $100, is not required to file campaign finance disclosure reports.
- Candidates and authorized committees solely supporting one candidate for public office, or solely supporting or opposing a ballot proposition, in towns, cities or villages having a population under 10,000, where the candidate and/or committee does not raise or spend in excess of $1,000 in the aggregate for the campaign, are not required to file campaign financial disclosure reports. This threshold includes the personal funds of the candidate.

**Note:** Certain banks and credit unions may require a Federal ID number in order to open an account. This is an IRS requirement, and not required by Election Law.

## Filing Itemized Reports Electronically

**Q. How do I file reports electronically with NYSBOE?**

A. Electronic filings may be submitted to NYSBOE by downloading the most recent version of NYSBOE's EFS software and preparing reports:

1. Go to the NYSBOE website at www.elections.ny.gov;
2. Click [Campaign Finance] then [File Disclosure Reports];
3. Click on the applicable Version 5.1 of NYSBOE Electronic Filing System Software;
4. Double Click the [Electronic Filing Program icon] created on your desktop after downloading;
5. Create a campaign financial disclosure report;
6. Print and save the report;
7. Submit reports to NYSBOE (via email attachment or mailing a diskette, CD or DVD); and
8. Verify report for receipt and accuracy via the website www.elections.ny.gov.

## Filing Non-Itemized Reports from the NYSBOE Website

**Q. No-Activity Report – If I have not had any campaign activity during a report period, do I need to file a report? If so, what and how do I file?**

A. Yes, you still have to file. All candidates and/or registered committees are required to file January and July periodic reports until termination. Primary, General and Special Election filing requirements are triggered by candidate/committee activity. If the candidate/committee has had no activity during any required reporting period, the candidate/committee is still required to file, in this instance a No-Activity Report. This report can be filed on the NYSBOE website using their Filer ID# and PIN or on paper using the CF-18 report. Note, however, you cannot file a No-Activity Report if you have interest, dividends and bank fees, etc. during the report period.

**Q. 24-Hour Notice – Must a 24-Hour Notice be filed when a campaign committee receives a transfer from a party or constituted committee?**

A. No, 24-Hour Notices are only required for contributions or loans in excess of $1000. Transfers are not contributions or loans and a 24-Hour Notice is not required.

## Tips on Preparing and Reporting Campaign Financial Disclosure Reports

**Q. Amending – How do I amend my campaign finance financial disclosure report?**

A. Follow the instructions in the Electronic Filing System 5.1 Quick Reference Guide found at the bottom of the Handbook, Forms & Publications page under Campaign Finance at www.elections.ny.gov – once the changes have been made, resubmit the entire report by email to NYSBOE.

**Q. Anonymous Contributions – Can the committee accept contributions from anonymous sources?**

A. No. If a committee accepts an anonymous contribution, it must be reported on the appropriate contribution schedule and then remitted to the Office of the State Comptroller, ATTN: Remittance Control, 110 State St, 2nd Floor, Albany, NY 12236. The meme of the check should indicate "Disposition of Anonymous Contributions to E.L. 14-128".

**Q. Bank Fees – Where do I report bank fees?**

**A.** Bank Fees must be reported as an expense on Schedule F. Make sure the fees are reported in the appropriate reporting period.

**Q. "Bounced Checks" - How should a contribution that is returned for insufficient funds, (a "bounced" check) be reported?**

A. The receipt of the check was reported on the appropriate contribution schedule (A, B, or C), which increased the committee's balance. The returned check is then reported on Schedule M, which decreases the committee's balance.

**Q. Cash Contribution – Can the committee accept cash contributions?**

A. Yes, however, cash contributions over $100, in the aggregate for the applicable time period [election cycle for candidate(s); calendar year for party/constituted committees and PACs] are not allowed. The excess over the $100 aggregate must be refunded and refund must be reported. **Example:** Friends of Jane Dow has three $40 fundraisers during her four-year election cycle and receives $40 cash contribution from individual John Q. Public at each of the three fundraisers. The third $40 contribution brings Mr. Public's aggregate contribution to $120 which now exceeds the $100 cash limit. The committee must refund the excess $20 to Mr. Public and report the refund.

**Q. Door Prizes – How should we report door prize contributions?**

A. Items contributed by individuals or businesses must be reported as in-kind (non-monetary) contributions on Schedule D. The value of in-kind contributions must be reported at fair market value. Aggregate contributions (all contributions from one contributor) greater than $99 must be itemized, reporting contributor's name, address and any other required details.

**Q. In-Kind Giving – When I make an in-kind contribution, how do I report it?**

A. If you are making an in-kind contribution, enter the contribution on Schedule F. If it is a contribution that you paid for, enter the purchase amount, which will affect your balance. If it is gift of service or something of value, enter the contribution on Schedule F with a dollar amount of $0, which will not affect your balance.

**Q. Loans – How are loans reported?**

A. Loans received are reported on Schedule I. Loan repayments are reported on Schedule J and loans forgiven on Schedule K. If a loan is outstanding, it is disclosed in every report on Schedule N, including on the report when the loan was first reported.

**Q. Loans – What loan documentation needs to be submitted to NYSBOE?**

A. Documentary evidence of the loan (indebtedness) includes the amount, terms and conditions of the loan (via letter or promissory note). Similar documentation is required to be filed when a loan is forgiven. Include the Filer ID# on all correspondence.

**Q. Loans – How do I report loans that are forgiven?**

A. Schedule K is used for resolving outstanding loans or liabilities that the committee is unable to pay off. Report that on Schedule K, and also provide evidence of forgiveness, which is a written statement submitted to NYSBOE. Note: Any outstanding loans as the date of the primary, general or special election or loans that are forgiven are considered contributions and subject to contribution limits. For more specific information please consult the Campaign Finance Handbook.

**Q. Negative Balance – How do I correct a negative balance?**

A. In order to correct a negative balance, compare report(s) with the Committee's records, make amendments to the report(s) as necessary, and send the amended report(s) as an email attachment to NYSBOE. The amended report(s) will replace those previously filed.

**Q. Non-US Contributions – What if the committee receives a contribution from outside the United States?**

A. Only citizens of the United States, or permanent legal residents (green card holders in permanent status) may contribute to your political campaign. If you have received a contribution from someone who is not a U.S. citizen or permanent legal resident, you must refund that contribution and report the refund. See **refunds**. If the contribution marked as D/Deficient in the review of this filing is actually from a U.S. citizen or permanent legal resident living abroad, you do NOT need to refund the contribution but you need to provide NYSBOE with an explanation relative to that person's legal status.

**Q. "Other" as a Purpose Code – When do I have to use the "Explanation" field?**

A. If the purpose code "Other" has been used, the field for "Explanation" must be filled in. When you are so advised, amend your report to include that explanation.

**Q. Over-Contribution – What do I do if the committee receives and over-contribution?**

A. Over-contributions must be refunded. All committees have receiving limits. Limits for State offices are available on the NYSBOE website; and local committees receiving limits are available from your County Board of Elections. Report the refund of the over-contribution on Schedule M.

**Q. Over-Contribution – How do I refund a corporate over-contribution?**

A. If you have accepted more than $5000 from one corporation in the aggregate in the calendar year, the amount over $5000 must be refunded to that corporation and the amount refunded on Schedule M.

**Q. PayPal/Online Payment System – How should contributions using PayPal (or another company where the recipient is charged a fee) be reported?**

A. The total contribution is reported on the applicable schedule (A, B, or C), then the fee charged by PayPal would be reported on Schedule F under "Other" code with explanation (PayPal service charge/transaction fee).

**Q. Partnerships, LLPs – How do I report contributions from partnerships (including LLPs)?**

A. Partnerships are reported on Schedule A using the contributor code 'PART'. Partnership contributions that exceed $2,500 must be attributed to specific partners and be reported on Schedule O.

**Q. Personal Use – How do I determine if an expenditure was for Personal Use?**

A. Section 14-130 of the Election Law states that contributions received by a candidate or a political committee may be expended for any lawful purpose. Expenses need to be related to the seeking and/or holding of office. Such funds shall not be converted by any person to a personal use which is unrelated to a political campaign or the holding of a public office or party position.

- Unitemized expenses that are or that total significant amounts, or that are reported on several reports could appear as campaign funds being used for person use.
- It is important to detail all the expenditures which encompass a reimbursement. When the reimbursement and related expenses are disclosed properly, it can easily be ascertained which expenses correspond to a particular reimbursement. If the reimbursement detail is not provided or reported properly, it could appear campaign funds are being used for person use.

**Q. Raffles – How do I refund Raffle contributions?**

A. Per a ruling by the NYS Gaming Commission, political committees are not allowed to conduct raffles. Any monies received through a raffle must be refunded to the participants of the raffle. If the participants are not known, they are deemed anonymous, and as such, any anonymous raffle proceeds must be remitted to the Office of the State Comptroller.

**Q. Refunds – How do I handle refunds?**

A. Refunds must be reported on **Schedule M** of the committee's next required filing report. Copies of refunded checks must be provided to NYSBOE in order to resolve the deficiency within the required 30 days **OR**, if the Deficiency letter has been **received within 30 days of an election**, the copy of the refund check must be **received within seven days** to resolve the deficiency.

**A. Q. Reimbursements – How and when do I provide detail on reimbursements?**

B. You must provide detail whenever you reimburse an individual or when a credit card payment is made. When you are reimbursing a person for non-personal services for something she/he purchased for the campaign or reimbursing for a credit card purchase, you must: 1.) Report the reimbursement **and** 2.) Report the specific expenditures that encompass the reimbursement.

**Q. Report Balance – Are there any schedules that do not affect the report balance?**

A. Schedules K, N, O, R, and D do not affect the balance of the report. These schedules perform a record-keeping function, can serve as a tool for filers and are informational schedules.

**Q. Reports on the Web – How do I check my report on the web?**

A. Any time you submit a report, wait one business day and check the report on the web. Visit the NYSBOE website at elections.ny.gov/CampaignFinance/ViewDisclosureReports. Follow the prompts to query the database. Make sure the report has been received and that it is correct with no negative balance.

**Q. Self-funding Candidates – Do I have to report if I am a candidate funding my own campaign?**

A. Yes. It is the obligation to disclose **all** of the receipts and expenditures of his/her campaign, including their own money (Election Law 14-101(1)). Once a candidate exceeds the $1000 threshold in the aggregate receipts or expenditures for a campaign he or she must begin to file itemized reports commencing with the reporting period when the threshold is crossed. The initial itemized report filed must contain an itemization of all the receipts and expenditures.

**Q. Signatures – Can NYSBOE accept copies or facsimiles of signatures on registration or other forms?**

A. No, original signatures are required. Copies of signatures, including those on faxes, PDFs, or other electronic files are not acceptable.

**Q. Subcontractors – What do I do if my contractor hires a sub?**

A. Schedule O is also used to provide additional information about subcontractor payments. When a payment is made to a contractor is reported on Schedule F, provide details of any subcontractor on Schedule O for a subcontracted amount greater than $10,000 for statewide candidates and $5000 for all others.

**Q. Transfers – Which committees are eligible to use transfer schedules?**

A. Single Authorized Candidate Party and Constituted committees may use these schedules to report a:

- **Type 1 Transfer**, which is money between a party or constituted committee and a candidate or candidate's authorized committee (i.e. "John Doe for Mayor").
- **Type 2 Transfer**, which is money between two authorized committees solely supporting the same candidate (i.e. "Friends of Jon Doe" to "Citizens for John Doe").

If you have reported transactions as transfers that are neither Type 1 nor Type 2, our report must be amended to remove those entries from the transfer schedules. Such entries are properly reported on Schedule C for a contribution coming into the committee or Schedule F for a contribution that the committee is expending.

**Q. Unitemized Contributions – What do I have to report when I receive a contribution?**

A. When a contributor makes a contribution and the aggregation of contributions are $99 or less, it does not need to be itemized with name, address, etc. The contribution can be added together with other unitemized contributions as one transaction for "Total Unitemized Contributions". However, contributions from one contributor that exceed $99 by itself, or in the aggregate for that election cycle or calendar year, as applicable, need to be itemized.

**Q. Unitemized Expenses – When do I have to itemize expenses?**

A. For single expenditures of more than $49.99 you need to provide the date, check number (if applicable), name & address of payee, amount and purpose code of the expenditure.

## Campaigning

**Q. "Paid for By" – When does a campaign have to use the term "paid for by ..." in political advertisements?**

A. NYS Election Law does not require attribution, where the sponsor's or payer's name is on any political advertisements ("paid for by"). However, if the ad refers to a federal candidate, the Federal Election Commission (FEC) does impose such a requirement. Additionally, Federal Communications Commission (FCC) regulations, radio/TV stations, and print media themselves, may impose an attribution requirement. Please consult with these appropriate federal authorities or media outlets for further information.

## Penalties

**Q. Correspondence/Legal Documents – What should a treasurer/candidate do if he/she receives correspondence/legal documents from NYSBOE.**

A. If you receive a letter or are served with legal documents from NYSBOE, do not ignore them. Contact NYSBOE immediately. There are significant consequences, for both treasurers and candidate, which may include penalties for failure to comply with the requirements of the NYS Election Law relating to campaign finance. Call NYSBOE at 1-800-458-3453 or (518)474-8200.

## After the Election

**Q. Campaign Materials – What are the requirements for submitting campaign materials to NYSBOE?**

A. Any filer required to file primary, general and/or special election reports must, at the same time the applicable post-election campaign finance disclosure report is due, submit copies of all the filer's campaign materials, purchased or produced by or under the authority of the person filing the post-election report, or the committee or the person on whose behalf it is filed.

Campaign materials include all broadcast, cable or satellite schedules and scripts, internet, print and other types of advertisements, pamphlets, flyers, brochures, letterheads and other printed matter.

Submissions of campaign materials:

- Can include duplicate originals (e.g. posters, flyers, buttons, etc.) or legible photocopies;
- Must be hard copies, not electronic/digital files; and
- May be photographed when, for practical purposes they cannot be readily reproduced in a paper copy because they are large, unwieldy items (e.g. billboards, sandwich boards, etc.).

**Q. Resigning – How do I resign as treasurer?**

A. To resign as treasurer you must:

- File all required reports
- Have no negative balance in reports
- Request resignation with a CF-18 form
- Attach a letter of resignation
- Inform all boards, committee(s) and candidate(s), as applicable
- Continue to file until your resignation is approved

**Retain records for five years.** See “Winding Down the Campaign” on NYSBOE Campaign Finance section of website for more details.

**Q. Terminating – How do I terminate my committee?**

A. To terminate your committee you must:

- File all required reports
- Have a $0 cash balance in the account – no negative balance
- Have no outstanding loans/liabilities
- Submit any applicable evidence of indebtedness/forgiveness
- Request termination with a CF-18 form
- Continue to file until termination is approved

**Retain records for five years.** See “Winding Down the Campaign” on NYSBOE Campaign Finance section of website for more details.